

**Minutes of the 410th Regular Meeting  
January 26, 1998  
City of Alhambra, Council Chambers  
111 First Street, Alhambra**

**INTRODUCTION**

1. The meeting was called to order by Chairman Coe at 9:00 a.m.

**Board Members Present**

Jack Coe, Boyd Condie, Charlotte Craven, Michael Keston, Marilyn Lyon, Charles Milam, Hamid Nahai, Beth Rogers, John Slezak

**Board Members Absent**

None

**Staff Present**

Dennis Dickerson, Catherine Tyrrell, Jorge Leon, Robyn Shipley, Dennis Dasker, James Kuykendall, Hank Yacoub, Wendy Phillips, Mark Smythe, Michael Lyons, Keith Elliott, Jon Bishop, Jack Price, Thom Siebels, John Chiang

**Others Present**

Jane Bray, Consultant  
Mary Jane Forster, State Board Member  
Commissioner Maribelle Marin, Los Angeles County of Public Works  
Christopher Westhoff, City of Los Angeles  
Frank Angel, Surfrider Foundation  
Joshua Workman, self  
Lucy McGovern, FOLAR  
Brent Thorell, HRL,LLC  
Sharon Green, Los Angeles County Sanitation Districts  
Bob Horvath, Los Angeles County Sanitation Districts  
Jacqueline Lambrichts, self  
Judith Wilson, City of Los Angeles  
George Muse, Metropolitan Water District of Southern California

Steve Fleishli, Heal the Bay  
Jacque Forrest, Heal the Bay  
Denis Schure, Friends of the Los Angeles River  
Wade Smith, self  
Jerry Thibeault, Region 8, RWQCB

## **Pledge of Allegiance.**

### **1. Roll Call.**

*A roll call was taken with all members present.*

### **2. Order of Agenda.**

*There were no changes to the agenda.*

### **3. Report of Nominating Committee and Election of Officers.**

*Mr. Keston gave the Nomination Committee report and announced the nomination of John Slezak as Chairman and Charlotte Craven as Vice Chairman for 1998.*

*MOTION:* *By Chuck Milam, seconded by Boyd Condie, and approved on a unanimous voice vote.*

*Mr. Slezak assumed the role as Chairman and presented Outgoing Chairman Jack Coe with a Board Service Award plaque for his service as Chairman of the Board from 1996 to present. Each Board member individually thanked Mr. Coe for his service and welcomed Mr. Slezak as Chairman for 1998.*

### **4. Approval of Regular Meeting Minutes of November 3, 1997, and the Regular Meeting Minutes of December 8, 1997.**

*MOTION:* *Ms. Craven made a motion to adopt the November 3 minutes, and Ms. Rogers seconded. Members Condie and Milam abstained from voting. Ms. Lyon made a motion to amend the December 8 to indicate her attendance at the meeting. Ms. Rogers seconded the motion. Member Milam abstained from voting.*

### **5. Resolution of Recognition for Retirees Joshua Workman and Donald Peterson.**

*Chairman Slezak presented Resolutions of Recognition to Joshua Workman and Donald Peterson, who retired from state service and the Regional Board in December 1997. Joshua was present to accept the award. Donald Peterson was not present.*

### **6. 1997 Board Outstanding Achievement Award.**

*Chairman Slezak presented staff members of the Data Management Team with the Board Outstanding Award. Members of the Data Management Team are as follows: Jonathan Bishop, Jack Price, Thom Siebels, and John Chiang.*

7. Uncontested Items Calendar.

*It was recommended that item 10.2 (Los Angeles Harbor Department - Berths 51-55 Maintenance Dredging Project, 97-119), be removed from the consent calendar for discussion. Change sheets were submitted for items 10.1 and 10.6. Item 10.4 was pulled prior to the meeting and continued until a future meeting.*

**NPDES PERMITS**

**Renewal**

- 9.1 Six Flags Magic Mountain, Inc. (Valencia Amusement Park), Santa Clarita CA0003352
- 9.2 City of Los Angeles, Department of Water and Power (Tunnel No. 104, Newhall), Santa Clarita , CA0058432
- 9.3 City of Los Angeles, Department of Water and Power (Tunnel No. 105, Newhall Oil Field), Newhall, CA0064149

**Revision**

- 9.4 Ventura County Waterworks District No. 1, (Moorpark Wastewater Treatment Plant), Moorpark, CA0063274

**Rescission**

- 9.5 Security Pacific Bank, Glendale, CA0003069
- 9.6 Red Lion Hotel, Glendale, CA0063142
- 9.7 Douglas Aircraft Company, Torrance, CA0001414
- 9.8 550 N. Brand Owner Corp., Glendale, CA0060887
- 9.9 701 N. Brand Partnership, Glendale, CA0058696
- 9.10 Physician Medical Terrace, Glendale, CA0063428

**NON-NPDES PERMITS**

**New**

- 10.1 Crumpler and Kruger Commercial Real Estates, Inc. (Tierra Rejada Golf Club), Tierra Rejada Valley, 97-173
- 10.3 Village Carwash (Galley Enterprises), Thousand Oaks, 97-013

### **Revision**

- 10.5 Mobil Oil Corporation (Land Treatment of Petroleum Hydrocarbon Contaminated Soil), Torrance, 85-007
- 10.6 HRL, LLC, Malibu, 81-047

### **Rescission**

- 10.7 Port of Long Beach (Pier A. Marine Terminal Wharf Construction Project), Long Beach, 95-060
- 10.8 Woodland Farms, Inc., La Puente, 96-079
- 10.9 Arco Products Company, Los Angeles, 92-001
- 10.10 Chevron Products Company, Los Angeles, 91-038
- 10.11 Philips Components (formerly MEPCO/CENTRLAB Inc.), Los Angeles, 87-031
- 10.12 US Navy, NCBC, Port Hueneme, 92-007
- 10.13 Port of Los Angeles, San Pedro, 94-078

*It was recommended that uncontested items 9.1 - 9.10, 10.1-10.3 and 10.5 - 10.13 be adopted.*

*MOTION: By Mr. Keston, seconded by Mr. Milam, and approved on a voice vote. Mr. Slezak abstained from voting on item 9.7 and Ms. Craven abstained from voting on 10.12.*

*Jacque Forrest, Heal the Bay, addressed the Board expressing her concerns with item 10.2. She stated the landfill materials noted in the permit are hazardous and should not classify for disposal purposes in a Class 1 landfill..*

*Staff member Michael Lyons recommended item 10.2 be continued until a future meeting. After discussion of the Board, a motion was made to continue item 10.2*

*MOTION: By Ms. Lyon, seconded by Mr. Milam, and approved on a voice vote.*

### **PUBLIC FORUM**

- 8. Public Forum.

*Steve Fleishli, Heal the Bay, addressed the Board sharing his concerns with the Board's enforcement initiatives and addressed some key issues regarding the recently released Heal the Bay enforcement report.*

### **Enforcement Issues**

11. State Board/Regional Board's Enforcement Initiative.

*Staff member Wendy Phillips gave a presentation to the Board briefly summarizing the State and Regional enforcement program.*

12. Administrative Civil Liability (ACL) Complaint Against the City of Los Angeles.

*This item was a public hearing for the purpose of hearing and receiving evidence concerning an ACL Complaint issued to the City of Los Angeles for spills of raw sewage that occurred on April 28, 1997, and November 5, 1997.*

*The Chairman opened the public hearing and the Executive Assistant read the opening statement. Dennis Dickerson gave introductory comments. Wendy Phillips gave a presentation to the Board asking them to take action to affirm, modify, or rescind the ACL. The following persons testified before the Board:*

- 1. Christopher M. Westhoff, Assistant City Attorney, City of Los Angeles*
- 2. Commissioner Maribelle Marin, Los Angeles County Board of Public Works*

*The Board recessed at 10:15 a.m. for a break. The meeting reconvened at 11:30 a.m.*

- 3. Jerry Thibeault, Executive Officer, Santa Ana Regional Water Quality Control Board*
- 4. Jacqueline Lambrichts, Friends of the Los Angeles River*
- 5. Dennis Schure, Friends of the Los Angeles River*
- 6. Steve Fleishli, Heal the Bay*
- 7. Frank Angel, Surfrider Foundation*
- 8. Judith Wilson, City of Los Angeles*

*The public hearing was closed. After discussion of the Board, there was a motion to assess a penalty to the City of Los Angeles for spills of raw sewage that occurred on April 28, 1997 and November 5, 1997.*

*MOTION:* *By Ms. Rogers, seconded by Mr. Condie, and called for a roll call vote.*

<i>Coe</i>	<i>Y</i>	<i>Keston</i>	<i>Y</i>	<i>Nahai</i>	<i>Y</i>	
<i>Condie</i>	<i>Y</i>	<i>Lyon</i>	<i>Y</i>	<i>Rogers</i>	<i>Y</i>	
<i>Craven</i>		<i>Y</i>	<i>Milam</i>	<i>Y</i>	<i>Slezak</i>	<i>Y</i>

*The Board made a second motion to determine the penalty amount. A motion was made to set the Assessment Fee at \$150,000. (\$140,000 assessment plus \$10,000 staff costs. The increased assessment was based upon:*

*(a) for the April 28, 1997 spill event, \$10,000 per day of beach closures, multiplied by the three days of beach closures, plus*

(b) one-third of the estimated \$300,000 in economic impacts associated with the beach closures resulting from the April 28, 1997 spill incident, plus  
 (c) \$10,000 for the November 5, 1998 spill incident, plus  
 (d) \$10,000 in Regional Board staff costs.

MOTION: By Ms. Rogers, seconded by Mr. Condie, and called for a roll call vote.

Coe	Y	Keston	N	Nahai	Y
Condie	Y	Lyon	Y	Rogers	Y
Craven		Y	Milam	Y	Slezak
					Y

The regular meeting recessed at 1:00 p.m. The closed session was held during this time to discuss the litigation of City of Claremont v. Los Angeles Regional Water Quality Control Board (Los Angeles County Superior Court, Case No. BC177233).

The regular meeting reconvened at 2:05 p.m.

### **Other Business**

#### 13. Southern California Wetlands Clearinghouse Working Agreement.

*Jorge Leon, Board Legal Counsel, updated the Board on the status of the working agreement and requested authorization for the Chairman to sign-off as a party to the agreement with a minor revision to change the signature to John Slezak as new Chairman.*

MOTION: By Ms. Rogers, seconded by Mr. Milam, and approved on a voice vote.

#### 14. Report of Task Committee on Conducting More Effective Board Meetings and Adoption of the New Principles to Guide Meetings Procedures.

*Ms. Craven gave a progress report and recommended adoption of the new procedures. A motion was made to modify the new procedures as follows:*

*Page 3, item 3.3: Special Meetings:*

*Modify the requirement for public notification from 10 days to 48 hours.*

*Pages 9, item 9.1: Nomination Committee and page 10, item 9.2: Ad Hoc Committees: Combine both items into one item.*

*Modify or update the new procedures when appropriate.*

MOTION: By Mr. Keston, seconded by Ms. Rogers and approved on a voice vote.

### **Information Items**

15. Regional Board FY 97-98 Program Priorities.

*Dennis Dickerson updated the Board on the status of the previously adopted Board priorities for FY 97-98.*

16. Board Member Communications.

*Ms. Rogers expressed her frustration for late reading material received prior to the Board meeting.*

17. Report of Cost Benefit Task Committee.

*Committee member Keston gave a progress report indicating the next Committee meeting is February 11th and the Cost-Benefit Workshops are scheduled for February 24th in El Monte and February 25th in Ventura.*

18. Executive Officer's Report.

*Dennis Dickerson presented the Executive Officer's Report. He reminded the Board of the upcoming workshop on January 29th hosted by the Southern California Association of Governments (SCAG), the Regional Board and the Santa Monica Bay Restoration Project (SMBRP). He also informed the Board of the upcoming Southern California Coastal Water Research Project (SCCWRP) workshop on February 12th.*

20. Adjournment at 3:00 p.m. to the Regular Board meeting of March 2, 1998 at 9:00 a.m., City of Camarillo, Council Chambers, 601 Carmen Drive, Camarillo.

MOTION: By Ms. Craven, seconded by Mr. Milam and approved on a voice vote.